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Attorneys for Plaintiff and
Counterclaim-Defendant APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

APPLE INC., a California corporation,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., A
Korean business entity; SAMSUNG
ELECTRONICS AMERICA, INC., a New York
corporation; SAMSUNG
TELECOMMUNICATIONS AMERICA, LLC, a
Delaware limited liability company,

Defendants.

Case No. 11-cv-01846-LHK (PSG)

**DECLARATION OF
MARK D. SELWYN IN SUPPORT
OF SAMSUNG'S
ADMINISTRATIVE MOTION TO
FILE DOCUMENTS UNDER
SEAL RE SAMSUNG'S MOTION
FOR SUMMARY JUDGMENT**

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I, Mark D. Selwyn, do hereby declare as follows:

1. I am a partner with the law firm of Wilmer Cutler Pickering Hale and Dorr LLP and counsel for plaintiff and counterclaim-defendant Apple Inc. (“Apple”). I am familiar with and knowledgeable about the facts stated in this declaration and if called upon could and would testify competently as to the statements made herein.

2. Samsung’s Motion for Summary Judgment, the Declaration of Brett Arnold in Support of Samsung’s Motion for Summary Judgment and Exhibit 82 to the Arnold Declaration, contain information that Apple and/or Samsung have designated confidential. Specifically:

- A. Exhibit 82 is an excerpt from the deposition of Janusz A. Ordover, dated April 27, 2012. This transcript is marked Highly Confidential-Attorneys' Eyes Only in accordance with the Protective Order. Pages 247-48 and 254-55 contain testimony regarding confidential negotiations between Apple and Samsung.
- B. The confidential, unredacted version of Samsung’s Motion for Summary Judgment discusses and references the information contained in paragraph A above, and should therefore be sealed for the same reasons.

3. The relief requested in this motion is necessary and is narrowly tailored to protect confidential information, focusing only on specific exhibits and specific portions of the briefs at issue.

I declare under the penalty of perjury under the laws of the United States of America that the forgoing is true and correct to the best of my knowledge and that this Declaration was executed this 24th day of May, 2012, at Palo Alto, California.

Dated: May 24, 2012

By: /s/ Mark D. Selwyn
Mark. D Selwyn

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the above and foregoing document
3 has been served on May 24, 2012 to all counsel of record who are deemed to have consented to
4 electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of
5 record will be served by electronic mail, facsimile and/or overnight delivery.
6

7 /s/ Mark D. Selwyn
8 Mark D. Selwyn

9 **ATTESTATION OF E-FILED SIGNATURE**

10 I, Jason R. Bartlett, am the ECF User whose ID and password are being used to file this
11 Declaration. In compliance with General Order 45, X.B., I hereby attest that Mark D. Selwyn has
12 concurred in this filing.

13 Dated: May 24, 2012

14 By: /s/ Jason R. Bartlett
Jason R. Bartlett